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ProEnglish

THE PROENGLISH Advocate

Board Changes Organization's Name to "ProEnglish"

The board of English Language Advocates announced its decision to change the official name of the organization to "ProEnglish" effective October 15. But to minimize confusion and preserve its identity, the former name "English Language Advocates" will be retained as the organization's official subtitle. The overall goal of the organization – to defend English's role as our common language and make it the official language of the United States, remains the same.

The decision came by unanimous vote at a meeting called to consider the change, recommended originally by an outside consultant. Chairman Bob Park explained the board's reasons for making the change, "In the end the most compelling reason for changing our name was the advantage that comes with having a short, easy-to-remember name. This looms especially large in the era of electronic communications when so many organizations are competing for the public's attention via the Internet."

The board's action came after considering the input and comments of key supporters, which ran 4 to 1 in favor of making the change. The Liberty Bell will be retained as the organization's identifying logo and the group's Internet website address will change from www.elausa.org to www.ProEnglish.org.

Clinton Orders US to Become a Modern Tower of Babel

On his way to the Democratic National Convention President Clinton paused long enough to sign Executive Order 13166, ordering all government agencies to make their services available in *any language used* by a non-English speaking person. Thus in a flash, the president took a big step toward the deconstruction of the nation it took his predecessors more than two centuries to build.

As its authority, Executive Order 13166 asserts that denying services to non-English speaking persons constitutes "national origin" discrimination under Title VI of the 1964 Civil Rights Act and is therefore illegal. Thus the order claims that the Administration is merely implementing a law already passed by Congress when, in fact its order amounts to a huge expansion of "national origin" discrimination to include language – an area that is mentioned nowhere in the Civil Rights Law. Moreover, repeated court decisions have explicitly rejected attempts to expand the definition of "national origin" discrimination to include language.

President Clinton's order gives government departments 120 days to comply with Justice

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Department guidelines to provide *meaningful access* to non-English speaking persons. The guidelines also make it clear that compliance is not restricted to translations, but is meant to include oral interpretive services as well. Thus, the cost of implementing the order is potentially huge. It could easily be construed to mean that interpreters speaking the 330 or so languages now spoken in the United States, would have to be available on demand for non-English speaking persons who want help from a government agency.

But even greater cost and confusion is likely to result from civil rights suits and litigation resulting from mistranslations and misinterpretations that occur as a result of the law. Already, suits are popping up in response to alleged translation and interpreter errors that occur in the criminal justice system as a result of having to deal with a huge and growing population of non-English speaking aliens (see "Translations" page 3). When E.O. 13166 goes into force, trial lawyers will have a field day.

To raise awareness of the destructive impact of the order, ProEnglish staff members visited a number of Congressional offices in a last ditch effort to persuade Congress to block its implementation. ProEnglish urges all its supporters to contact their congressional representatives and ask them to pass legislation that would block Executive Order 13166 (supporters connected to the Internet can send a pre-written e-mail message by dialing into our Internet website at www.ProEnglish.org).

Evidence Mounts that Bilingual Education is a Bust

California's Proposition 227, the 1998 initiative that dismantled bilingual education in that state, continues to prove itself a blessing for students learning English. For the second year in a row the results of the state's "Stanford-9" tests, used by California to measure academic progress, showed improvement across the board with the strongest gains being registered by students in English immersion classes.

The data from California, released in a state department of education report August 15, was reinforced by a New York City board of education study in September that showed that non-English speaking students ("English Language Learners") placed in English immersion classes scored significantly higher in all areas than their bilingual education counterparts.

Prior to the passage of Proposition 227 in California, bilingual education advocates had insisted that eliminating bilingual classes would hurt children most in the earliest grades. Yet, the Stanford-9 tests showed these were precisely the grade levels that showed the greatest improvement.

Proponents of bilingual tried to downplay the results of the Stanford-9 tests and claimed that other factors such as smaller class sizes and a renewed emphasis on traditional phonics-based instruction methods for teaching language were as likely to be responsible for the improvement. But the evidence was enough to convince former critics of English immersion such as Los Angeles school superintendent Ken Noonan, one of the founders of the California Association of Bilingual Educators. Noonan who had strongly opposed Proposition 227 commented, "I thought it would hurt kids. The exact reverse occurred, totally unexpected by me. The kids began to learn – not pick up, but learn – formal English, oral and written, far more quickly than I ever thought they would."

The test scores from California and New York are additional support for an initiative to ban bilingual education that's on the ballot in Arizona (see "Arizona Vote" page 4). Like "Whole Language" and "New Math," bilingual education looks increasingly like another one of the many trendy educational theories that have failed in recent years, stunting the education of millions of children in the process.

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Translations on Trial

The Michigan Bar Association, worried that faulty interpretations and translations in the justice system could result in confusion, mistakes, and wrongful convictions, is translating legal documents into "several languages" and setting up standards and tests for court interpreters. As John Yun, a member of the Asian American Bar Association, said, "A statement that may come out one way can be interpreted in a different way." Attorney Intissar Ann Alkafaji, a member of the Michigan bar's Open Access Commission warned, "I have no doubt in my mind a lot of people are sitting in prison, convicted in part because their translations were incorrect."

Services that provide translators and interpreters said any effort to raise standards would sharply increase the costs courts would have to pay for their services.

(*Detroit Free Press*, July 24, 2000)

High Court Agrees to Rule on Alabama Official English Appeal

ProEnglish and other advocates for official English scored a first round victory in the battle to defend Alabama's official English law when the U.S. Supreme Court announced in late September that it would rule on Alabama's appeal in the case of Alexander v. Sandoval (no. 99-1908). Alabama is appealing two lower court decisions that held that the state's policy of giving drivers' license exams only in English constituted "national origin" discrimination under the 1964 civil rights law, and was therefore illegal. ProEnglish had filed a legal brief in support of Alabama's petition to the high court.

Alabama stopped giving its drivers' license exams in languages other than English after the state's voters adopted an official English initiative by a 9-1 margin in 1990. In 1996, Martha Sandoval, a non-English speaking Mexican national, brought a class action suit against Alabama with help from the Southern Poverty Law Center and the ACLU. The case was later joined by the US Justice Department who intervened on behalf of the plaintiffs.

ProEnglish Chairman Bob Park hailed the court's decision and noted that this is the second time ProEnglish would be involved in an appeal before the Supreme Court in the last four years – a remarkable record considering that high court agrees to hear fewer than one percent of the cases it reviews on appeal. The previous occasion was in 1997 when the group successfully defended Arizona's official English law before the court in Arizonans for Official English v. Arizona, only to see the law later overturned by the Arizona Supreme Court. Park indicated that ProEnglish planned to file a second brief supporting Alabama'a case on its merits.

Better Watch What you Say in the Land of the (Once) Free

The totalitarian police state predicted by George Orwell in his famous book 1984 has already arrived. Enforcing intolerance in the name of tolerance and a rigid conformity under the guise of diversity, the advance guard of the tomorrow's thought police are already busy tearing up Americans' first amendment freedoms.

Just ask Janice Barton. As reported in a Sept. 29th column by columnist Paul Craig Roberts in *The Washington Times*, Janice was sentenced to 45 days in jail in Manistee Michigan. Her crime? After encountering a Spanish speaking couple on leaving a restaurant, an off-duty policeman heard her say to her mother "I wish these [ethnic slur] would learn to speak English."

ProEnglish does not condone ethnic slurs of any kind. But the thoughts and opinions people express in public or private, regardless of how repugnant they may be to the listener – should be protected speech in a free country. Why is tearing up or burning the U.S. flag, or denouncing the U.S. and its people in the vilest terms protected speech, but not the private remarks of a U.S. citizen?

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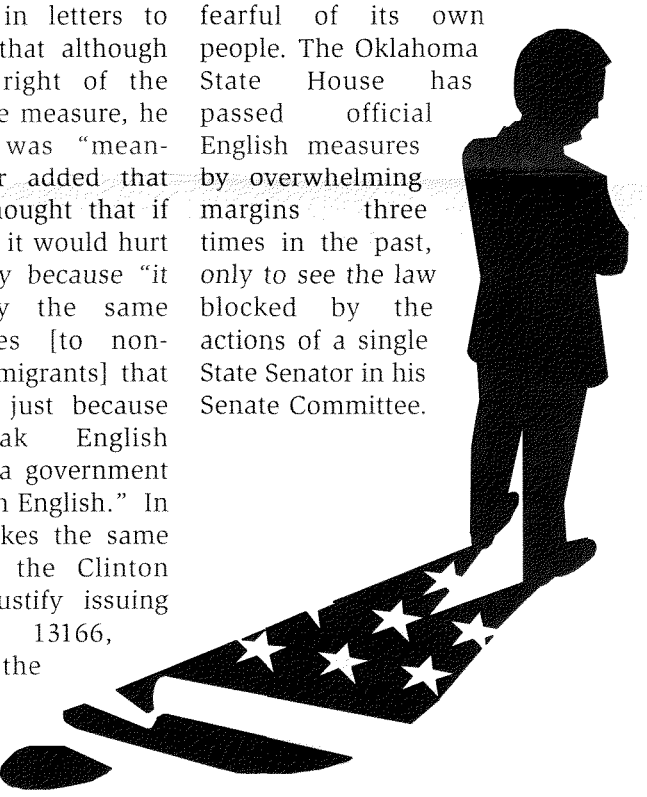
Establishment Stonewalls Democracy (Again) in Oklahoma

In an arrogant and ominous obstruction of democratic processes, Republican Governor Frank Keating resorted to a rarely invoked legal loophole as an excuse to avoid putting an official English initiative in the ballot in Oklahoma. The petition to qualify the initiative for the ballot had been signed by over 100,000 Oklahoma voters that had been certified as valid by the Oklahoma Secretary of State.

But under Oklahoma law, at least 60 days prior to an election, the Governor must approve an initiative's position on the ballot. Another law gives any citizen the right to challenge an initiative before the State Supreme Court. After the court dragged in setting its timetable for filing objections, a complaint was filed at the last possible moment by a coalition of "immigrants' rights" organizations. The state court then delayed ruling on the objection until the 60-day deadline had passed, which gave Governor Keating the legal loophole he wanted.

The governor's office defended his refusal to act in letters to constituents saying that although he supported the right of the people to vote on the measure, he felt the initiative was "mean-spirited." The letter added that Governor Keating thought that if the initiative passed, it would hurt Oklahoma's economy because "it is wrong to deny the same government services [to non-English speaking immigrants] that are provided to us just because they can't speak English adequately, or read a government form provided only in English." In effect, the letter makes the same argument used by the Clinton Administration to justify issuing Executive Order 13166, mandating that the federal government become a fully multilingual service provider (see related story).

The latest maneuver came after years of similar tactics by a political establishment fearful of its own people. The Oklahoma State House has passed official English measures by overwhelming margins three times in the past, only to see the law blocked by the actions of a single State Senator in his Senate Committee.



Arizona Vote Could be Crucial to Ending Bilingual Education Nationwide

Thanks to the English for the Children of Arizona Committee backed by California entrepreneur Ron Unz, Arizona voters will have the chance to vote on Proposition 203 this November – the measure that would end the state's bilingual education program. Besides giving thousands of Arizona school children hope for a better future by teaching them English, passage of the initiative could build momentum for ending bilingual education nationwide.

Introduced in the 1970s as a way to help immigrant children learn in their native language while simultaneously learning English, bilingual education became an excuse for maintaining foreign languages. According to the Arizona Department of Education, less than 3 percent of the children in the state's bilingual education program learn to speak English well.

ProEnglish is supporting the passage of the Arizona initiative with a newspaper and billboard advertising campaign. ProEnglish Chairman Bob Park said, "The results are in. Bilingual education has been an enormous failure that has cost untold thousands of school children a chance for a decent education and better lives. It's time to bring this failed experiment to an end."

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Colorado "English for the Children" Initiative Axed by Court

In yet another effort to stifle democracy, the Supreme Court of Colorado voted 7-0 to reject the language of the citizen's initiative, "English for the Children," that sought to ban bilingual education in Colorado schools. The court found no fault with the initiative's wording itself, but decided that the language of the ballot description and title adopted by the state Title Board was in error. The Title Board is a government agency charged with the responsibility of writing the titles and descriptions of initiatives that actually appear on the ballot.

Because it came too late to resubmit the petition, the ruling effectively nullified the signatures of 40,000 Colorado citizens who had signed petitions to qualify the initiative for the ballot this year. The initiative, its title and description were virtually identical to California's Proposition 227, which was adopted in 1998 and has already passed constitutional muster in federal courts.

Supporters highlighted the apparently political nature of the court's ruling. Representative Tom Tancredo (R-CO), a leading backer of the initiative termed the ruling "completely predictable" and called the court, "the most political entity in the state of Colorado."

"This was politics. This was finding an excuse to shoot it down," added Barnaby Zall, a lawyer who has worked frequently on behalf of ProEnglish. "The good news," he added, "is that the court's language very specifically defines that the initiative does not violate [Colorado's] single-subject rule." Colorado supporters said they were undeterred by the Court's action and immediately laid plans to re-qualify the initiative for the ballot in 2002.

Republicans Drop "Official" English From Platform;

Continue to Use it in Fundraising Appeals

At its national convention in July, the Republican Party altered key language in its platform, softening its previously strong stand in favor of "official" English, in favor of a more politically correct wording that merely calls for "the recognition of English as the nation's common language."

The key change was the deletion of the word "official" from the text of the platform provision on language. The revised plank also urges the "fostering of respect for other languages and cultures throughout our society." A number of media reports cited the rejection of the official-English language as a prime example of the Republican Party's drive to be the party of "compassionate conservatism." In other respects the provision on language closely resembles the Party's platform from 1996.

The platform was crafted in closed door negotiations between top officials of the Bush campaign and senior Republican Party officials – a departure from previous conventions in which the platform was drafted by grassroots party members in sometimes contentious committee meetings.

Notwithstanding the party decision to drop any reference to "official" from its national platform concerning English, the Republican National Committee was still sending mail-in surveys to prospective donors two months later asking them to indicate whether or not they thought English should be declared the official language of the United States and asking them to contribute at the same time.

Besides urging more funding for teaching English to new immigrants and support for bilingual education, The Democratic Party's national platform largely avoids any mention of language.

Arrogance Defined "I strongly resent the electorate, the person next door who knows nothing about how children acquire language, telling us how to teach children." – Sarah Gonzalez, assistant superintendent for educational services in Hayward, CA, criticizing the implementation of Proposition 227 ending the state's bilingual education program, as reported in the *San Francisco Chronicle*, Sept. 29, 1999.

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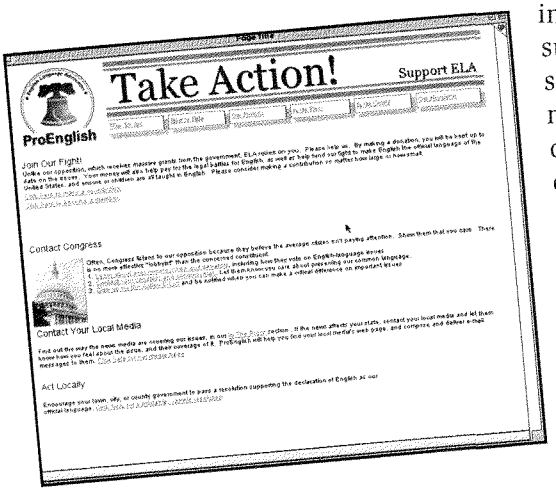
ProEnglish Expands; Upgrades Website

ProEnglish is facing many new challenges. To help meet them, ProEnglish has added a new staff member, Dan Marsh. Dan's responsibilities will include managing our Internet communications, answering inquiries and requests from activists and the public, monitoring Capitol Hill to keep ProEnglish supporters informed of important developments and presenting ProEnglish's views on legislation before Congress.

Dan's concern about the erosion of English came while he was studying to be a schoolteacher. "The educational establishment is more concerned with multiculturalism than teaching English," he contends, "but our children need to have solid educations and secure economic prospects first, and those require English skills."

One of Dan's projects is upgrading ProEnglish's website. Among many improvements, our supporters can now use the site to compose and send e-mail messages to members of Congress, keep up with our issues in the news, or sign up for our Action Alert e-mail messages. ProEnglish encourages you to visit the website, www.ProEnglish.org, and send your comments or suggestions via e-mail to mail@ProEnglish.org.



Puerto Rico Update

A federal judge in Puerto Rico, Jaime Pieras, has ruled that the island's voters are entitled to vote in the U.S. presidential elections. A majority of Puerto Rican voters have opposed statehood, in part because they would have to start paying U.S. federal income taxes if Puerto Rico were admitted. Under the judges ruling, they could enjoy the benefits of statehood, without paying the cost. Most observers doubt his ruling will be upheld, since the Constitution provides an exact formula for apportioning representatives and electoral college voters.

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